



State of Wisconsin \ Department of Commerce

# HEARING DRAFT of PROPOSED RULES

**Rule No.:** Chapters Comm 26 and 2

**Relating to:** Manufactured Home Parks

The Wisconsin Department of Commerce proposes an order to repeal chapters Comm 95 and PSC 186; and to create s. Comm 2.33 (3) and (4) and chapter Comm 26, relating to manufactured home parks and affecting small businesses.

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## **ANALYSIS OF PROPOSED RULES**

Statutory Authority: Sections 101.935 and 101.937, Stats.

Statutes Interpreted: Sections 101.935 and 101.937, Stats.

### **General Summary**

Section 101.935, Stats., requires the Department of Commerce to issue permits to and regulate manufactured home parks through the promulgation of administrative rules. The rules must also establish the park permit fee. Chapter Comm 95 currently contains the required rules for the regulation of manufactured home parks, including the park permit fees. Section 101.937, Stats., requires the department to establish rules for providing water or sewer service by a manufactured home park operator or manufactured home park contractor to a manufactured home park occupant. Chapter PSC 186 currently contains the required rules relating to the provision of water or sewer service to manufactured home park occupants. The authority for administering chapter PSC 186 was transferred from the Public Service Commission to the department in 2001.

The proposed rules repeal both chapters Comm 95 and PSC 186 and create a new chapter Comm 26 consisting of the regulation of manufactured home parks, including the provision of water or sewer service to the parks. The park permit fee requirements currently in chapter Comm 95 are being moved, without change, to chapter Comm 2 – Fee Schedule.

### **Detailed Summary**

In moving the administrative rules from chapters Comm 95 and PSC 186 into chapter Comm 26, some changes are being proposed. The following listing is a summary of the major changes contained in the proposed rules.

1. Two sets of plans are required to be submitted for plan approval of a new or expanded manufactured home park. [Comm 26.07]
2. Street width requirements for new manufactured home parks are proposed to be wider where off-street parking is not provided. [Comm 26.12 (3)]
3. Fire hydrants are required in new manufactured home parks depending on the availability of adequate water supply. [Comm 26.13 (2)]

4. The rules regarding the establishment of general service charges for water and sewer service are revised and separated depending on whether the service is metered or not metered. [Comm 26.30 (1)]

5. The maximum allowed deposit for water and sewer service is increased from \$40 to \$60, and the requirement to pay interest on the deposit is deleted. [Comm 26.33 (1)]

## **Federal Comparison**

An Internet-based search of the *Code of Federal Regulations* (CFR) found the following existing federal regulations relating to manufactured home parks/communities.

- Title 44 CFR Part 60 – Criteria for Land Management and Use. This regulation in the federal Department of Homeland Security requires local municipalities to have flood plain management regulations relating to proposed construction or other development in the municipality, including the placement of manufactured homes.
- Several other federal regulations, such as Title 24 CFR part 201, Title 24 CFR Part 883 and Title 38 CFR Part 36, relate to loans and housing assistance for manufactured homes and home lots.

These federal regulations apply to different subjects and do not address the same activities as compared to the proposed rules.

An Internet-based search of the 2003 and 2004 issues of the *Federal Register* did not find any proposed regulations relating to manufactured home parks/communities.

## **State Comparison**

An Internet-based search of adjacent states' rules found the following regulations that include requirements relating to manufactured home parks/communities.

- Illinois has state regulations applying to the licensure of manufactured home communities, administered by the Department of Public Health. The regulations are comprehensive, covering areas such as streets, parking, water, sewer, fire safety, waste disposal, and inspections.
- Iowa has no state regulations applying to manufactured home parks/communities. Iowa's manufactured home regulations govern the construction and installation of the homes as well as the licensure of home installers.
- Michigan has extensive regulations applying to the licensure of manufactured home communities, administered by the Department of Consumer and Industry Services. The regulations are very detailed and comprehensive, covering areas such as plan approval, inspections, streets, utilities, fire safety, home installation, recreational areas, and business practices.

- Minnesota has state regulations applying to the licensure of manufactured home parks and recreational camping areas, administered by the Department of Health. The regulations are very general, covering areas such as home spacing, water supply, sewage disposal, garbage and refuse, fire protection, and inspection.

The Illinois, Michigan and Minnesota regulations generally cover the same topics as the proposed rules.

## Advisory Council

The proposed rules have been developed with the assistance of the Manufactured Homes and Home Parks Advisory Council. The members of that citizen advisory council are as follows:

<u>Name</u>	<u>Representing</u>
Phil Blazkowski	WI Counties Association (Municipal inspector)
Brian Brown	WI Housing Alliance (Sewer/water service provider)
Gregg Cleveland	WI Fire Chiefs Association (Fire chief)
Joseph Dentice, Jr.	WI Housing Alliance (Community operator)
Mark Flood	WI Housing Alliance (Community owner)
John Geise	WI Housing Alliance (Manufacturer)
Pete Halverson	WI Housing Alliance (Dealer/Salesperson)
Ron Middleton	WI Housing Alliance (Community owner)
Al Rhinerson	WI Housing Alliance (Installer)
Tom Schrader	WI Housing and Economic Development Authority (Public)
Kristen Zehner	WI Manufactured Home Owners Association (Home owner)

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SECTION 1. Comm 2.33 (3) and (4) are created to read:

**Comm 2.33 (3) PARK INSPECTIONS.** The department shall assess an inspection fee, not to exceed \$100, for each inspection of a new manufactured home park, park expansion or complaint.

**(4) PARK PERMITS.** (a) Manufactured home park permit fees are as follows:

1. For a park with 1 to 20 sites, \$250.
2. For a park with 21 to 50 sites, \$450.
3. For a park with 51 to 100 sites, \$700.
4. For a park with 101 to 175 sites, \$900.
5. For a park with more than 175 sites, \$1000.

**Note:** The park permit fees cover the department's costs for plan examination.

(b) A late fee of \$30 shall be required for each permit if the renewal fee is not paid before the permit expires.

(c) Agents issuing permits shall reimburse the department 37% of the permit fees specified in par. (a).

SECTION 2. Chapter Comm 26 is created to read:

## **Chapter Comm 26 Manufactured Home Parks**

### **Subchapter I - Administration and Enforcement**

**Comm 26.01 Purpose.** Pursuant to s. 101.935 (3), Stats., the purpose of this chapter is to regulate manufactured home parks in order to protect public safety and health.

**Comm 26.02 Scope.** Except as specified otherwise in this chapter, the provisions of this chapter apply to all new and existing manufactured home parks.

**Comm 26.03 Petition for variance.** The department shall consider and may grant a variance to a non-statutory provision of this chapter in accordance with ch. Comm 3. The petition for variance shall include a position statement from the fire department having jurisdiction over the affected property.

**Note:** Chapter Comm 3 requires the submittal of a petition for variance form (SBD-9890) and a fee, and that an equivalency is established in the petition for variance that meets the intent of the rule being petitioned. Chapter Comm 3 also requires the department to process regular petitions within 30 business days and priority petitions within 10 business days.

**Comm 26.04 Penalties.** Penalties for violations of this chapter shall be assessed in accordance with s. 101.94 (8) (c), Stats.

**Note:** Section 101.94 (8) (c), Stats., indicates that a person who violates s. 101.935, a rule promulgated under s. 101.935 or an order issued under s. 101.935 may be required to forfeit not less than \$10 nor more than \$250 for each violation. Each day of continued violation constitutes a separate violation..

**Comm 26.05 Appeals. (1) APPEAL OF DEPARTMENT ORDER.** Pursuant to ss. 101.02 (6)(e) and 101.94 (7), Stats., any person who owns or occupies a property that is affected by an order of the department may petition the department for a hearing on the reasonableness of the order.

**(2) APPEAL OF LOCAL ORDER.** Pursuant to s. 101.02 (7)(b), Stats., any person affected by a local order that is in conflict with an order of the department may petition the department for a hearing on the local order.

**(3) PETITION OF ADMINISTRATIVE RULE.** Pursuant to s. 227.12, Stats., any municipality, corporation or any 5 or more persons having an interest in an administrative rule may petition the department requesting the adoption, amendment or repeal of the rule.

**Comm 26.06 Fees.** Fees for the plan examination, park permit and inspection of parks shall be submitted to the department as specified in ch. Comm 2.

**Comm 26.07 Plan approval.** Two sets of plans and one set of related specifications and calculations for a new or expanded manufactured home park shall be submitted to the department or its agent for examination in relation to this chapter and for approval before work is begun on the park. After the initial approval, no change in plans or specifications which is affected by any provision of this chapter may be made unless the change is approved and dated by the department or its agent. Plan requirements shall be shown to scale and direction according to s. Comm 26.12 (1) to (3). An approval letter from the department shall also be attached to plans for any private sewage system. A copy of a safe water sample test result shall be submitted for private wells.

**Comm 26.08 Permit. (1) APPLICATION.** Before a manufactured home park is opened for public use, the manufactured home park operator shall obtain a permit from the department or its agent by application made upon form SBD-10675. The permit is valid for a period of 2 years, and shall be renewed prior to expiration.

**Note:** All forms referenced in this chapter are available at no charge from the department at the Safety and Buildings Division, P.O. Box 2509, Madison, WI 53701-2509, telephone 608/266-3151, or at the Safety and Buildings Web site at [www.commerce.wi.gov/SB/](http://www.commerce.wi.gov/SB/).

**Note:** Section 101.935 (2) (c), Stats., indicates that permits are valid for a 2-year period that begins on July 1 of each even-numbered year and ends on June 30 of the next even-numbered year.

**(2) ACTION BY THE DEPARTMENT.** Within 30 days after receiving a completed application, the department or its agent shall either approve the application and issue a permit or deny the application. If the application for a permit is denied, the department or its agent shall give the applicant reasons, in writing, for the denial. The department or its agent shall conduct an on-site review for new parks, park expansions or complaints.

**Comm 26.09 Enforcement. (1) ACCESS.** An authorized employee or agent of the department, upon presenting proper identification if requested, shall be permitted to enter any manufactured home

park at any reasonable time for the purpose of inspecting the manufactured home park to determine compliance with this chapter. The department's authorized employee or agent shall be permitted to examine the records of the manufactured home park pertinent to this chapter, including manufactured home park registration records.

**(2) ENFORCEMENT POLICY.** (a) *Notification.* If upon inspection of a manufactured home park the authorized employee or agent of the department finds that the manufactured home park is not planned, operated or equipped as required by this chapter, the employee or agent shall, except as provided under par. (b), notify the manufactured home park operator in writing and shall specify the changes required to make the manufactured home park conform to the standards established in this chapter and the time period within which compliance shall take place.

**Note:** Section 101.935 (2) (b), Stats., requires the department to hold a hearing in accordance with ch. 227, Stats., before suspending or revoking a permit for violations of this chapter.

(b) *Order to deal with an immediate danger to health.* Where there is reasonable cause to believe that any construction, sanitary condition, operation or method of operation of the premises of a manufactured home park, or of equipment used on the premises, creates an immediate danger to health, an authorized designee of the administrator of the department's division of safety and buildings, pursuant to s. 101.935 (2) (e), Stats., may without advance written notice, issue a temporary order to remove the immediate danger to health and issue a monetary forfeiture to the manufactured home park operator for each day the danger is present after it has been identified. That order shall take effect on the delivery to the operator or other person in charge of the manufactured home park. The order shall be limited to prohibiting the continued operation or method of operation of specific equipment, requiring the premises to cease other operations or methods of operations, or a combination of these, except that if a more limited order will not remove the immediate danger to health the order may direct that all operations authorized by the permit shall cease. If before scheduled expiration of the temporary order the department determines that an immediate danger to health does in fact exist, the temporary order shall remain in effect. The department shall then schedule and hold a hearing pursuant to ch. 227, Stats., unless the immediate danger to health is removed or the order is not contested and the operator and the department mutually agree that no purpose would be served by a hearing.

**(3) LOCAL ENFORCEMENT.** If an agent issues permits directly under this chapter, the agent shall create enforcement and appeal procedures in accordance with ss. 254.69 (2) and 66.0417, Stats., which shall supersede sub. (2).

## **Subchapter II - Definitions**

**Comm 26.10 Definitions.** In this chapter:

**(1)** "Ability to pay" means a manufactured home park occupant's financial capacity to meet the manufactured home park occupant's water and sewer service financial obligation.

**(2)** "Agent" means the village, city or county designated by the department to issue permits and make inspections of the manufactured home parks.

**(3)** "Basic unit" means a manufactured home without hitch, awnings, cabanas, storage unit, carport, garage, windbreak, non-winterized porch or similar appurtenant structures.

(4) "Deferred payment agreement" means an arrangement between a manufactured home park operator or manufactured home park contractor and a manufactured home park occupant for payment of a delinquent amount or deposit owed for water and sewer service in installments.

(5) "Department" means the department of commerce.

(6) "Disconnection" means an event or action taken by the manufactured home park operator or manufactured home park contractor to terminate or discontinue the provision of water and sewer service, but does not include cessation of service at the request of a manufactured home park occupant.

(7) "Dispute" means a statement or question by a manufactured home park occupant alleging a wrong, grievance, injury, dissatisfaction, illegal action or procedure, dangerous condition or action committed or created by a manufactured home park operator or manufactured home park contractor, or alleging failure of a manufactured home park operator or manufactured home park contractor to meet its obligation to supply water and sewer service.

(8) "General service charges" means charges billed to the manufactured home park occupant by the manufactured home park operator or manufactured home park contractor and intended to recover the cost of supplying water and sewer service.

**Note:** The expenses typically recovered by general service charges are operation and maintenance expenses, taxes, depreciation, or debt service. Expenses such as late payment charges, non-sufficient funds check charges, or reconnection charges are not typically recovered through general service charges but are typically separate, additional charges applied to the manufactured home park occupant's account.

(9) "Manufactured home" has the meaning specified under s. 101.91 (2), Stats.

**Note:** Under s.101.91 (2), Stats., "manufactured home" means any of the following:

(a) A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

(b) A structure which meets all the requirements of par. (a) except the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 USC 5401 to 5425.

(c) A mobile home, unless a mobile home is specifically excluded under the applicable statute.

(10) "Manufactured home park" has the meaning specified under s. 101.91 (5m), Stats.

**Note:** Under s.101.91 (5m), Stats., "manufactured home park" means any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located. "Manufactured home park" does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm.

(11) "Manufactured home park contractor" has the meaning specified under s. 101.91 (6m), Stats.

**Note:** Under s.101.91 (6m), Stats., "manufactured home park contractor" means a person, other than a public utility, as defined in s. 196.01 (5) (a), who, under a contract with a manufactured home park operator, provides water or sewer service to a manufactured home park occupant or performs a service related to providing water or sewer service to a manufactured home park occupant.

(12) "Manufactured home park occupant" has the meaning specified under s. 101.91 (7), Stats.



**Note:** Under s. 101.91 (7), Stats., "manufactured home park occupant" means a person who rents or owns a manufactured home in a manufactured home park.

(13) "Manufactured home park operator" has the meaning given in s. 101.91 (8), Stats.

**Note:** Under s. 101.91 (8), Stats., "manufactured home park operator" means a person engaged in the business of owning or managing a manufactured home park.

(14) "Meter" means an instrument installed to measure the volume and/or rate of flow of water delivered through it.

(15) "Person" means an individual, firm, trust, partnership, association or corporation.

(16) "Protective services emergency" means a threat to the health or safety of a park occupant because of the infirmities of aging, mental retardation, other developmental or mental disabilities, or like infirmities incurred at any age, or the frailties associated with being very young.

(17) "Remote outside meter" means an analog device attached to a building or structure that displays the reading of the base meter through electronic pulses sent from the base meter.

**Note:** Remote outside meters are considered part of the manufactured home park operator's or manufactured home park contractor's metering configuration.

(18) "Site" means a plot of ground within a manufactured home park designed for placement of one manufactured home.

(19) "Small manufactured home park" means a manufactured home park containing fewer than 6 individual plots of land that are rented or offered for rent for the accommodation of a manufactured home.

(20) "Street" means the paved or surfaced portion of the roadway between curb faces.

### **Subchapter III - General Requirements**

**Comm 26.11 Location. (1)** Every manufactured home park and manufactured home within the park shall be located on a well-drained area and shall be properly graded to prevent the accumulation of stormwater or other waters.

(2) A manufactured home shall be located on soil that provides sufficient soil bearing capacity to support the manufactured home.

**Comm 26.12 Physical layout. (1) SITES. (a)** Each site shall be clearly delineated on plans submitted to the department or its agent for approval.

(b) The basic unit shall be located on a site so that there is at least a 10-foot clearance between basic units. The clearance requirements shall be exclusive of a parking area.

(c) No basic unit may be located closer than 10 feet to:

1. Any building such as a pump house, the office building for the park, a laundry building or a recreational building, except a garage or accessory structure belonging to the site or manufactured home park occupant;

2. Any property line of the park; or

3. Any street within the park.

**Note:** See chs. Comm 20-25 for additions and alterations to manufactured homes.

**(2) PARKING.** Parking spaces in a ratio of one and one half for each site shall be provided and maintained in good condition.

**(3) STREETS.** (a) Streets shall conform to the minimum widths specified in Table 26.12.

**Table 26.12**  
**Street Widths, in Feet**

Travel Direction	No Off-Street Parking Provided		Off-Street Parking Provided		
	Parking 2 Sides	Parking One Side	Parking 2 Sides	Parking One Side	No Street Parking
2 Way	36	30	32	24	18
One Way	24	18	24	18	14

(b) Where parking on the street is prohibited, “no parking” signs shall be provided.

(c) Streets shall be graveled or paved, maintained in good condition, have natural drainage, and be able to support the imposed loads for occasional use of fire apparatus as determined in consultation with the local fire department.

**(4) EXISTING MANUFACTURED HOME PARKS.** (a) Manufactured home parks or a section of a manufactured home park which were in existence prior to 1962 need not comply with subs. (1) to (3) unless the department determines that non-compliance endangers the health or safety of park occupants.

(b) Any manufactured home park expansion shall comply with subs. (1) to (3) and other applicable parts of this chapter.

(c) Any modification of a manufactured home park which existed prior to 1962 relating to the size of the basic units, the separation between basic units or the placement of basic units on a lot in relationship to streets and other buildings shall be permitted by the department unless the department determines that the modification endangers the health or safety of park occupants. Any modification of a manufactured home park which did not exist prior to 1962 shall comply with subs. (1) to (3) and other applicable parts of this chapter.

(d) Manufactured home parks or a section of a manufactured home park which were constructed between 1962 and [the effective date of these rules . . . Revisor to insert date] shall comply with the following requirements for the width of 2-way streets within the park: At least 32 feet if

parking is permitted on both sides of the street, 24 feet if parking is permitted on one side of the street and 18 feet if parking on the street is prohibited.

**Comm 26.13 Fire hydrants.** For manufactured home parks and park expansions constructed after [the effective date of these rules . . . Revisor to insert date], fire hydrants shall be provided in accordance with ch. NR 811 when the required water supply is available.

**Comm 26.14 Plumbing systems.** Water and sewer systems owned by a manufactured home park operator or manufactured home park contractor shall be constructed and maintained in compliance with chs. Comm 81 to 87.

**Note:** The connection and use of a public water or sewer system is regulated under s. 281.45, Stats.

**Comm 26.15 Adequacy of water supply.** Each manufactured home park operator or manufactured home park contractor shall furnish a continuous and adequate supply of water to its manufactured home park occupants.

**Comm 26.16 Electricity.** Manufactured home park electrical connections shall meet the requirements set forth in ch. Comm 16.

**Note:** Chapter Comm 16 adopts the National Electrical Code (NEC). See Article 550 Part III of the NEC for information relating to electrical connections for manufactured homes.

**Comm 26.17 Garbage and rubbish. (1)** All garbage not disposed of through a garbage disposal unit connected with the sewage system shall be kept in separate, leak proof, non-absorbent containers equipped with tight-fitting covers unless otherwise protected from flies and insects, and the contents shall be disposed of as often as necessary to prevent decomposition or overflow.

**(2)** Garbage and rubbish containers shall be maintained in a clean and sanitary condition. The use of wooden or paper containers for storing garbage and rubbish is prohibited.

**Note:** Local ordinances may require the separation of garbage and recyclable materials.

**(3)** This section does not prohibit the use of dumpsters in a manufactured home park.

**Comm 26.18 Management. (1) AVAILABILITY.** The manufactured home park operator or a designee in charge of the manufactured home park in the absence of the operator shall, during reasonable hours, be available in the park, in close proximity to the park or via electronic means.

**(2) REGISTRATION OF OWNERS.** The manufactured home park operator shall keep a register of all owners of manufactured homes located in the manufactured home park, and shall permit the department or its agent to inspect the register at all reasonable times and upon reasonable notice. The register may be kept in an electronic form. If the register is being stored at a location different than the licensed address, the operator shall disclose the storage location to the department upon request.

**(3) MAINTENANCE.** The manufactured home park operator shall maintain the manufactured home park in a clean, safe, orderly and sanitary condition at all times.

**Comm 26.19 Duties of occupants.** All owners and other occupants of manufactured homes in a manufactured home park shall:

- (1) Register with the manufactured home park operator; and
- (2) Maintain their site in a clean, orderly and sanitary condition at all times.

## **Subchapter IV - Water and Sewer Service**

### **Part 1 - General**

**Comm 26.25 General requirement.** A manufactured home park contractor and a manufactured home park operator that provides water service or sewer service, or both, to the occupants of their manufactured home park shall furnish reasonably adequate service and facilities as required by this subchapter.

**Comm 26.26 Uniform billing rate.** No manufactured home park operator or manufactured home park contractor may provide water and sewer service at a billing rate different from that provided to all other occupants of their manufactured home park.

### **Part 2 - Records and Available Information**

**Comm 26.27 Records of service interruptions.** Each manufactured home park operator or manufactured home park contractor shall maintain a record of each interruption of service which results from a failure or disruption of the manufactured home park water supply or sewer collection system lasting more than one hour or affecting more than 25% of the manufactured home park occupants upon reporting of such an outage by a manufactured home park occupant. The manufactured home park operator's or manufactured home park contractor's records shall show the date and time the service interruption began, the duration, the cause, and the approximate number of manufactured home park occupants affected. Records must be maintained for 3 years following the date of occurrence.

**Note:** See also s. Comm 26.48 for further information.

**Comm 26.28 Information available and required to be provided to customers.** Each manufactured home park operator or manufactured home park contractor shall have available and provide, to all manufactured home park occupants and to any manufactured home park occupant making a request, written notice of the rules set forth in this chapter pertaining to deposits, payment options including deferred payment agreements, disconnection, and dispute procedures. The notice shall contain a reply procedure to allow manufactured home park occupants an opportunity to advise the manufactured home park operator or manufactured home park contractor of any special circumstances, such as the presence of infants or elderly persons or the use of human life-sustaining equipment, and to advise the manufactured home park operator or manufactured home park contractor to contact a specific third-party agency or individual prior to any disconnection action being taken. Each manufactured home park operator or manufactured home park contractor shall also provide annually, and any time rates are increased, written information regarding the rates charged to manufactured home park occupants for the provision of water and sewer service. The information provided shall include a description of how rates are determined, the rate charged the manufactured home park operator or manufactured home park contractor by its water or sewer service provider, and the department's telephone number.

### Part 3 - Rates, Service and Billing

**Comm 26.29 Application.** The provisions of Part 3 are not applicable to manufactured home park operators or manufactured home park contractors who include the costs associated with water and sewer service in their rental fees.

**Comm 26.30 Reasonableness of water and sewer rates.** A manufactured home park operator or manufactured home park contractor may establish general service charges for water and sewer service in one of the following ways:

(1) (a) If a manufactured home park operator or manufactured home park contractor purchases water and sewer service and resells the service to the manufactured home park occupants where the service is not metered, the maximum allowable water and sewer bill to each manufactured home park occupant may not exceed the lesser of the manufactured home park's water and sewer bill, plus 30%, divided by the number of occupied lots within the park, or the retail rates of the local municipality's water and sewer operation applied to the average user. The bill to each manufactured home park occupant shall be based on the previous billing cycle of the service provider. The average user is one whose consumption is equal to the volume of water billed to the manufactured home park operator or manufactured home park contractor, divided by the number of occupied lots or occupants within the manufactured home park.

**Note:** The 30% additional charge is intended to recover the operational, maintenance, and capital costs associated with the facilities within the manufactured home park.

(b) If a manufactured home park operator or manufactured home park contractor purchases water and sewer service and resells the service to the manufactured home park occupants where the service is metered, the maximum allowable water and sewer billing rate to each manufactured home park occupant may not exceed the local residential meter rate based on volume.

(2) If a manufactured home park operator or manufactured home park contractor owns the water supply facilities or the sewerage treatment facilities which serve the manufactured home park, the water charge to a manufactured home park occupant may not exceed the average amount charged for a similar level of water utility service furnished by Wisconsin Class D water public utilities. The charge for sewer service may not exceed 2.5 times the charge for Wisconsin Class D water service.

**Note:** Information relative to the rates of Wisconsin Class D water public utilities is available from the Wisconsin Public Service Commission Web site at [www.psc.wi.gov/](http://www.psc.wi.gov/).

(3) (a) A manufactured home park operator or manufactured home park contractor may establish water and sewer rates in excess of those set forth in sub. (1) or (2) if the manufactured home park operator or manufactured home park contractor can provide written documentation to the department which demonstrates that higher charges are necessary to meet the reasonable costs associated with all or part of the requirements for the construction, reconstruction, improvement, extension, operation, maintenance, repair, or depreciation of the water and sewer system and for the payment of all or part of the principal and interest of any indebtedness associated with providing water and sewer service at a reasonable cost.

(b) A manufactured home park operator or manufactured home park contractor shall provide a written explanation of rates upon request of a manufactured home park occupant, and at any time rates are increased.

**Comm 26.31 Billing methods.** Sewer or water bills for manufactured home park occupants may be based on one of the following methods:

- (1) Metered.
- (2) Flat rate.
- (3) Residential equivalent units.

**Note:** See s. Comm 83.43 for information regarding estimating wastewater flow.

(4) Any other method that can be shown to reasonably allocate costs among manufactured home park occupants.

**Comm 26.32 Billing.** (1) If payments for water and sewer service are paid separately from rent, a bill for water and sewer service shall be issued at least quarterly by the manufactured home park operator or manufactured home park contractor. The bill shall include all of the following on the manufactured home park occupant's receipt:

- (a) The service address.
- (b) The present and last preceding meter readings if service is metered.
- (c) The present and last preceding meter reading dates if service is metered.
- (d) The number of units consumed if service is metered.
- (e) Clear itemization of the amounts included in the bill for the present billing period and any unpaid balance from previous billing periods, including any late payment charges.

(2) Estimated bills shall be distinctly marked as such, if service is on a metered basis.

(3) Except as provided in sub. (5), if payments for water and sewer service are paid separately from rent, a partial payment received for water and sewer service shall be applied, in descending order until fully paid, to each of the following types of charges on the manufactured home park occupant's account:

- (a) Current water and sewer service.
- (b) Current deferred payment agreement.
- (c) Water and sewer service arrears.
- (d) Miscellaneous water and sewer charges.
- (e) All other charges.

(4) If payments for water and sewer service are included with rent payments, the terms for the allocation of partial payments set forth in the lease agreement shall apply.

(5) Upon manufactured home park occupant request, or at the discretion of the manufactured home park operator or manufactured home park contractor, partial payments may be allocated differently than set forth under sub. (3) if the allocation does not result in a disconnection of service or the imposition of a late payment penalty which would not have occurred under the allocation methodology set forth under sub. (3).

(6) The manufactured home park operator or manufactured home park contractor may apply late payment charges to any portion of a manufactured home park occupant's water and sewer service bill that is not paid in full based on the order of payment application as provided in subs. (3) and (4), within 20 days following issuance of the bill. The late payment charge shall not exceed one percent of the total unpaid balance per month.

(7) (a) If a manufactured home park operator or manufactured home park contractor applies a late payment charge, the new charge shall apply only to water and sewer service provided after the effective date of initiation.

(b) If a customer disputes a bill for utility service and does not pay the disputed bill in full within 20 days following issuance of the bill, the late payment charge shall be applied only to that portion of the disputed bill later found to be correct and payable to the manufactured home park operator or manufactured home park contractor.

(8) (a) All new manufactured home park occupants shall apply for water and sewer service. This application may be incorporated into the lease agreement. The manufactured home park operator or manufactured home park contractor may require that either a verbal or written application be made. The manufactured home park operator or manufactured home park contractor shall establish a uniform policy for obtaining the information required by this paragraph. The manufactured home park operator or manufactured home park contractor may require a manufactured home park occupant to provide all of the following:

1. The name or names of parties responsible for bill payment.
2. The address where service is to be provided.
3. The address of residence immediately prior to application.

(b) Except as provided in s. Comm 26.34, water and sewer service shall not be disconnected or refused for refusal to provide any information other than that specified in par. (a).

(9) A manufactured home park occupant or other responsible party who uses water and sewer service but does not apply for it may be billed an estimated or actual amount at a later date for service used prior to the time of application. The manufactured home park operator or manufactured home park contractor shall have reasonable grounds to establish responsibility for the backbilling. Failure to pay charges resulting from this backbilling may result in disconnection of service. The manufactured home park operator or manufactured home park contractor shall inform the manufactured home park occupant of the right to dispute the billing through the dispute procedures set forth in s. Comm 26.38.

**Comm 26.33 Deposits for water and sewer service. (1)** (a) A manufactured home park operator or manufactured home park contractor may require a deposit as a condition of new or continued water and sewer service. The amount of the required deposit may not exceed \$60.

(b) A manufactured home park operator or manufactured home park contractor shall inform the manufactured home park occupant of the manufactured home park occupant's right to enter into an installment plan for payment of the deposit amount. Under the installment plan, the deposit amount shall be paid to the manufactured home park operator or manufactured home park contractor in no more than three equal monthly installments. Operators or contractors of small manufactured home parks are not required to offer installment plans for the payment of deposits.

(2) The manufactured home park operator or manufactured home park contractor shall refund the water and sewer deposit of a manufactured home park occupant within the same period as for the rental agreement security deposit.

(3) (a) Any arrearage owed by a manufactured home park occupant for water and sewer service may be deducted from the manufactured home park occupant's water and sewer deposit.

(b) If the manufactured home park operator or manufactured home park contractor deducts a water and sewer arrearage from a manufactured home park occupant's deposit, it may require the manufactured home park occupant to bring the water and sewer deposit up to its original amount.

**Comm 26.34 Reasons for disconnection and refusal of service. (1)** Water and sewer service may be disconnected or refused for any of the following actions on the part of a manufactured home park occupant:

(a) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement.

**Note:** See s. Comm 26.37.

(b) Failure to comply with deposit arrangements as specified in s. Comm 26.33.

(c) Diversion of service around the meter.

(d) Refusal or failure to permit authorized manufactured home park operator or manufactured home park contractor personnel access to the base meter or remote register.

(e) Use of service in a manner which interferes with the service of others or the operation of nonstandard equipment, if the manufactured home park occupant has first been notified and provided with reasonable opportunity to remedy the situation.

(f) Failure to comply with Wisconsin statutes, department rules, or department orders pertaining to water and sewer service.

(g) Failure to pay costs or fees incurred by and awarded to the manufactured home park operator or manufactured home park contractor by a court of law for pursuit of collection of water and sewer bills, or failure to pay collection charges associated with water and sewer service.



(h) Use of a device that unreasonably interferes with communications or signal services used for reading meters.

(i) Failure to bring a deposit up to its original amount within 20 days of the written request to do so if all or a portion of the deposit has been used to pay a water and sewer arrearage.

(2) A manufactured home park operator or manufactured home park contractor may disconnect water and sewer service without prior notice where a dangerous condition exists for as long as the condition exists. Upon disconnection, the manufactured home park operator or manufactured home park contractor shall provide the manufactured home park occupant a written explanation of the dangerous condition.

(3) Service may be discontinued with a written 24-hour notice for nonpayment of a bill covering surreptitious use of water and sewer.

(4) A manufactured home park operator or manufactured home park contractor may disconnect water and sewer service without notice where it has reasonable evidence that water and sewer service is being obtained by potentially unsafe devices or potentially unsafe methods that stop or interfere with the proper metering of the water and sewer service.

(5) Water and sewer service may not be disconnected or refused for any of the following reasons:

(a) Failure to pay the account of another manufactured home park occupant as guarantor of that account.

(b) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing.

(c) For the purpose of eviction of a manufactured home park occupant.

(d) If a heat advisory or warning has been declared by the national weather service for a geographic area which includes the manufactured home park.

(6) Between the dates of November 1 and April 15 of each year, a manufactured home park operator or manufactured home park contractor may not disconnect residential water service that is a necessary part of a manufactured home's heating system.

(7) Notwithstanding any other provision of this section, upon due notice a manufactured home park operator or manufactured home park contractor may not disconnect service or refuse to reconnect service to a manufactured home park occupant if disconnection will aggravate an existing medical or protective services emergency of the manufactured home park occupant, a member of the manufactured home park occupant's family, or other permanent occupant of the premises where service is rendered and if the manufactured home park occupant conforms to the procedures described in s. Comm 26.35 (1) (c).

(8) Notwithstanding any other provision of this chapter, water and sewer service may not be refused or disconnected because of a delinquent account if the manufactured home park occupant or applicant provides a deposit as a condition of future service, as governed by s. Comm 26.33, or a

payment agreement guaranteed by a third party. If the guarantor has agreed to be responsible for payment of all future bills, the manufactured home park occupant shall be notified of the billing arrangement and of the ability to reject the proposed arrangement.

**Comm 26.35 Disconnection procedure. (1)** (a) A notice of disconnection may not be issued until at least 20 days after the date of issuance of the bill.

(b) Manufactured home park water and sewer service shall not be disconnected or refused because of any disputed matter while the disputed matter is being pursued in accordance with the provisions of s. Comm 26.38.

(c) A manufactured home park operator or manufactured home park contractor shall postpone the disconnection of service, or reconnect the service if disconnected, for up to 21 days on the written recommendation of a licensed physician or notice from a public health, social services, or law enforcement official which identifies the medical or protective services emergency and specifies the period of time during which disconnection shall aggravate the circumstances. This postponement is to enable the manufactured home park occupant to arrange for payment.

(d) During the period service is continued under the provisions of this subsection, the manufactured home park occupant is responsible for the cost of residential water and sewer service. However, no action to disconnect that service shall be undertaken until expiration of the period of continued service.

(e) If there is a dispute concerning an alleged medical emergency, either party may request an informal review by the department. During the informal review, residential water and sewer service shall be continued if the manufactured home park occupant has submitted a statement or notice as set forth in par. (c).

**(2)** (a) A manufactured home park operator or manufactured home park contractor shall not disconnect service unless written notice by first class mail is sent to the manufactured home park occupant or personally served upon a responsible party at least 8 calendar days prior to the first date of the proposed disconnection except as provided in s. Comm 26.34 (2), (3), and (4). If the billing address is different from the service address, notice shall be posted at the service address not less than 5 days before disconnection. The notice shall contain the information set forth in s. Comm 26.36.

(b) If disconnection is not accomplished on or before the 15th day after the first notice date, a subsequent notice shall be left on the premises not less than 24 hours nor more than 48 hours prior to the disconnection unless the manufactured home park occupant and the manufactured home park operator or manufactured home park contractor agree to extend the 15-day time period. If disconnection is not accomplished on or before the 30th day after the original eight-day disconnection notice was issued, the manufactured home park operator or manufactured home park contractor shall issue a new eight-day disconnection notice prior to proceeding with the disconnection of water and sewer service.

(c) The manufactured home park operator or manufactured home park contractor shall make a reasonable effort to have a personal or telephone contact with the manufactured home park occupant prior to disconnection. If a contact is made, the manufactured home park operator or manufactured home park contractor shall review the reasons for the pending disconnection of service and explain

what actions shall be taken to avoid disconnection. The manufactured home park operator or manufactured home park contractor shall keep a record of the contacts and contact attempts.

(d) If a dispute cannot be resolved, the manufactured home park operator or manufactured home park contractor shall inform the manufactured home park occupant of the right to appeal to the department.

(3) Service shall not be disconnected on a day, or on the day immediately preceding a day, when the business offices of the manufactured home park operator or manufactured home park contractor are not available to the manufactured home park occupants for the purpose of transacting all business matters, unless the manufactured home park operator or manufactured home park contractor provides personnel which are readily available to the manufactured home park occupant 24 hours per day to evaluate, negotiate, or otherwise consider the manufactured home park occupant's objection to the disconnection as provided under s. Comm 26.38, and proper service personnel are readily available to restore service 24 hours per day.

**Comm 26.36 Disconnection notice.** (1) A disconnection notice shall contain the following information:

(a) The name and address of the manufactured home park occupant and the address of the service, if different.

(b) The reason for the proposed disconnection of service and a statement that service will be disconnected if one of the following does not occur:

1. The account is paid.
2. Arrangement is made to pay the account under deferred payment agreement.
3. Other suitable arrangements are made.
4. Equipment changes are made.

(c) A statement that the manufactured home park occupant shall immediately contact the manufactured home park operator or manufactured home park contractor at the number listed if the manufactured home park occupant disputes the account considered delinquent, if the manufactured home park occupant wishes to negotiate a deferred payment agreement as an alternative to disconnection, if any occupant is seriously ill, or if there are other extenuating circumstances.

**Note:** Extenuating circumstances include things such as the presence of infants or young children in the household, the presence of aged, or persons with disabilities in the household, the presence of occupants who use life support systems or equipment, and occupants who have mental retardation or other developmental or mental disabilities.

(d) A statement that residential water and sewer service shall be continued for up to 21 days during serious illness on the written recommendation of a licensed physician.

(e) A statement that the manufactured home park occupant may appeal to the department if the grounds for the proposed disconnection or the amount of any disagreement remains in dispute after the manufactured home park occupant has pursued the available remedies with the manufactured home park operator or manufactured home park contractor.

- (f) The date of the notice.
  - (g) The proposed date of disconnection.
  - (h) A phone number at which the manufactured home park operator or manufactured home park contractor can be contacted.
  - (i) A statement that the manufactured home park occupant may apply to accept responsibility for future bills and avoid disconnection of service as allowed under s. Comm 26.32 (9).
  - (j) A statement that disputing any matter does not relieve the manufactured home park occupant of the obligation of paying charges not in dispute, prevent disconnection of water and sewer service for nonpayment of undisputed charges, or prevent the application of a late payment charge to amounts in dispute that are later determined to be correct.
- (2) If disconnection of service is to be made for default on a deferred payment agreement, the notice shall include an explanation of the acts of the manufactured home park occupant which are considered to constitute default.

**Note:** A copy of a sample disconnection notice is available from the department.

**Comm 26.37 Deferred payment agreement. (1)** (a) Except as provided in par. (b), a manufactured home park operator or manufactured home park contractor shall offer deferred payment agreements to manufactured home park occupants for water and sewer service. The term of the deferred payment agreement shall not extend past the termination date of the lease in effect for the manufactured home park occupant.

(b) Operators or contractors of small manufactured home parks are not required to offer deferred payment agreements to manufactured home park occupants.

(2) Every deferred payment agreement shall provide that service not be discontinued if the manufactured home park occupant pays a reasonable amount of the outstanding bill, agrees to pay the remaining outstanding balance in installments, and agrees to pay the current bill by the due date.

(3) For purposes of determining reasonableness in sub. (2), the manufactured home park operator or manufactured home park contractor shall consider the manufactured home park occupant's ability to pay, including the following factors:

- (a) Size of the delinquent account.
- (b) Manufactured home park occupant's water and sewer service payment history.
- (c) Time that the debt has been outstanding.
- (d) Reasons why the debt has been outstanding.
- (e) Any other relevant factors concerning the circumstances of the manufactured home park occupant, such as household size, income, and necessary expenses.

(4) A deferred payment agreement offered by a manufactured home park operator or manufactured home park contractor shall set out all terms and conditions of the agreement. If the manufactured home park operator or manufactured home park contractor and the manufactured home park occupant cannot reach agreement on the terms and conditions of the deferred payment agreement, the manufactured home park occupant shall be informed of the right to ask the department to review the agreement being offered. The manufactured home park occupant shall be informed that signing the agreement does not affect the responsibility of the manufactured home park occupant to pay for current service or meet the payment schedule set out in the agreement. The manufactured home park occupant will be considered in default of the agreement if any bill for current service or any payment under the agreement is allowed to become delinquent.

(5) If a deferred payment agreement cannot be reached because the manufactured home park occupant's offer is unacceptable to the manufactured home park operator or manufactured home park contractor, the manufactured home park operator or manufactured home park contractor shall inform the manufactured home park occupant why the manufactured home park occupant's offer was not acceptable.

(6) If an applicant for manufactured home park water and sewer service or a manufactured home park occupant has not fulfilled the terms of a deferred payment agreement and there has not been a significant change in the manufactured home park occupant's ability to pay since the agreement was negotiated, the manufactured home park operator or manufactured home park contractor may disconnect under s. Comm 26.34, and under such circumstances, it shall not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection.

(7) Any payments made by a manufactured home park occupant solely in compliance with a deferred payment agreement, and not as part of a payment for other manufactured home park services, shall first be considered as payment toward the deferred payment agreement, with any remainder credited to the current bill. Payments made to satisfy a current bill for manufactured home park service, which may include a portion for a deferred payment agreement, shall be credited as set forth in s. Comm 26.32 (3) and (4).

**Comm 26.38 Dispute procedures.** (1) If a manufactured home park occupant disputes a manufactured home park operator or manufactured home park contractor's request for a deposit, or advises the manufactured home park's designated office prior to the disconnection of service that all or any part of any billing as rendered is in dispute, or that any matter related to the disconnection or refusal of service is in dispute, the manufactured home park operator or manufactured home park contractor shall:

- (a) Investigate the dispute promptly and completely.
- (b) Advise the manufactured home park occupant of the results of the investigation.
- (c) Attempt to resolve the dispute, including offering a deferred payment agreement under s. Comm 26.37.

(2) (a) After the manufactured home park occupant has pursued the available remedies with the manufactured home park operator or manufactured home park contractor, the manufactured home

park occupant may request that the department informally review the disputed issue and recommend terms of settlement.

(b) A request for informal review may be made in any reasonable manner, including written, electronic or telephone request directed to the department. The department may request in writing or by telephone the manufactured home park operator or manufactured home park contractor to investigate the dispute.

(c) A manufactured home park operator or manufactured home park contractor shall respond to the department request for an investigation promptly. Based on information provided by the manufactured home park operator or manufactured home park contractor and the manufactured home park occupant, the department shall make an informal determination for settlement of the dispute and communicate that determination to both parties. Either party to the dispute may request and receive the department determination, and the basis for it, in writing. The department shall inform any manufactured home park occupant disputing an informal determination of the right to pursue a formal review.

(d) At least 7 business days shall elapse between the date the department telephones or mails notice of terms of settlement and disconnection.

(3) (a) After informal review, any party to the dispute may make a written request for a formal review by the department. To avoid disconnection pending a formal review, the manufactured home park occupant shall request in writing a formal review by the department within 7 business days of the issuance of the informal determination. All other requests for formal review shall be made within 30 calendar days of the date the department telephones or provides written notice of terms of the settlement after informal review. If a party to a dispute requests written confirmation of the department decision, the 30-day period begins from the date of that mailing.

(b) The department shall base its formal determination on the request for formal review and the department's informal dispute file. Within 45 calendar days from the time that a request for formal review is made, the department shall draft a memorandum based on the information it has received from the manufactured home park operator or manufactured home park contractor and the manufactured home park occupant. A copy of the memorandum shall be provided to the parties 15 business days prior to consideration by the department. Either party to the dispute may file a response to the department memorandum. A response shall be filed with the department 2 working days prior to the date scheduled for consideration by the department. The department shall inform both parties in writing of its decision.

(4) Either party to the dispute may request that the department reconsider its formal determination under this section. A request for reconsideration shall comply with s. 227.49, Stats., and shall be received by the department within 20 days of mailing of the department determination. A request for reconsideration shall include any additional information or arguments that the party believes were not considered in the original dispute. The department may review and reaffirm its original decision, issue a new decision, or decide to hold a hearing on the matter for the gathering of additional information.

(5) (a) If the department decides under sub. (4) to conduct a hearing, the department may impose conditions on granting the hearing. If the manufactured home park occupant fails to meet a

condition, the department may not hold a hearing and no subsequent hearing may be held by the department on the dispute.

(b) The hearing shall conform to the procedures of ch. 227, Stats.

(c) The hearing shall be held not less than 10 days following mailing of the notice of hearing and a decision shall be rendered following the conclusion of the hearing.

(6) Manufactured home park water and sewer service shall not be disconnected or refused because of any disputed matter while the disputed matter is being pursued in accordance with the provisions of this section. The manufactured home park operator or manufactured home park contractor shall inform the manufactured home park occupant that pursuing a disputed matter does not relieve the manufactured home park occupant of the obligation of paying charges which are not in dispute, prevent disconnection of water and sewer service for nonpayment of undisputed charges, or prevent the application of a late payment charge to amounts in dispute and later determined to be correct.

**Comm 26.39 Complaint procedures.** (1) Manufactured home park occupants may complain to the department concerning adequacy of water supply, general condition of the manufactured home park's water distribution system, sewer collection system or sewer treatment system, or the manufactured home park operator's or manufactured home park contractor's billing methodology.

(2) The procedure for resolving complaints shall be as set forth in s. Comm 26.38.

#### Part 4 - Customer Meters, Accuracy Requirements

**Comm 26.40 Meters.** (1) All meters used for measuring the quantity of water delivered to a manufactured home park occupant shall be in good working condition. They shall be adequate in size and design for the type of service measured and shall be accurate to the standard specified in s. PSC 185.65 (2).

(2) If water service is supplied by a manufactured home park operator or manufactured home park contractor on a metered basis, service may not be supplied to any manufactured home park occupant from facilities which are downstream from another manufactured home park occupant's meter.

**Comm 26.41 Meter testing facilities and equipment.** Each manufactured home park operator or manufactured home park contractor billing for water and sewer service on a metered basis shall own or provide, through contract or otherwise, adequate equipment and facilities to provide for testing all of its water meters.

**Comm 26.42 Testing of manufactured home park occupant meters.** (1) The test of any manufactured home park occupant's meter shall consist of a comparison of its accuracy with that of a standard of known accuracy. If the test standard consists of a previously calibrated reference or service meter, the test results for the manufactured home park occupant meter shall be adjusted to compensate for the inaccuracies of the reference meter at the particular flow rates.

(2) Meters shall be tested before repair ("As Found") and after repair ("As Left"), if applicable.

(3) Meters not meeting the accuracy or other requirements of s. PSC 185.65 (2) shall be repaired or rebuilt to meet those requirements before further use.

**Comm 26.43 Test flows.** The required test flow and normal test flow limits are as listed in s. PSC 185.65. The stated test flows apply for both “As Found” and “As Left” tests.

**Comm 26.44 Required tests of manufactured home park occupant meters.** Meters shall be tested by the manufactured home park operator or manufactured home park contractor at the following times:

(1) Before use if the meter has not been tested or certified to be accurate.

(2) Upon manufactured home park occupant request or dispute.

**Note:** See s. Comm 26.45.

(3) When damaged or otherwise suspected of being inaccurate.

**Comm 26.45 Requested test.** (1) Except as provided in sub. (2), each manufactured home park operator or manufactured home park contractor shall promptly make an accuracy test of any metering installation upon request of a manufactured home park occupant.

(2) If less than one year has elapsed since the last meter test, the manufactured home park operator or manufactured home park contractor is not obligated to test the meter unless there is evidence that the meter is damaged or otherwise registering incorrectly.

(3) When a meter test is performed upon request of the manufactured home park occupant, an amount equal to 50% of the estimated cost of the meter test shall be advanced to the manufactured home park operator or manufactured home park contractor by the manufactured home park occupant. This amount shall be refunded if the test shows the meter to be over registering by more than 2%. The entire cost resulting from the meter test shall be the responsibility of the manufactured home park occupant if the results of the test show the meter to be accurate under s. Comm 26.40.

(4) A report giving the results of the test shall be made to the manufactured home park occupant and a complete original test record shall be kept on file by the manufactured home park operator or manufactured home park contractor for one year following the test date.

(5) Upon request, the test shall be made in the presence of the manufactured home park occupant during normal business hours.

**Comm 26.46 Remote outside meter system tests.** The remote outside meter system, if used, shall be tested each time the associated meter is tested. If the total recorded consumption of the remote outside meter agrees with that of the base meter, no further testing of the remote outside meter system is required.

## Part 5 - Operating Requirements

**Comm 26.47 Flushing mains.** If practical, dead-end mains or other low-flow portions of distribution systems shall be flushed as needed to eliminate or minimize complaints from



manufactured home park occupants arising from an objectionable condition of water due to lack of circulation.

**Comm 26.48 Interruptions of service. (1)** Each manufactured home park operator or manufactured home park contractor shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the manufactured home park operator or manufactured home park contractor shall endeavor to re-establish service with the shortest possible delay consistent with safety to its employees, manufactured home park occupants, and the general public.

**(2)** Reasonable notice shall be given to manufactured home park occupants of planned interruptions of service.

**Comm 26.49 Maintenance of water and sewer piping. (1)** Thawing of a manufactured home park occupant's frozen water service or building sewer shall be at the manufactured home park occupant's expense unless:

(a) The freeze-up is a direct result of a disconnect initiated by the manufactured home park operator or manufactured home park contractor and the disconnection occurs during a time when conditions are such that freeze-up could reasonably be expected to occur.

(b) The freeze-up is a result of a deficiency in the manufactured home park water or sewer service piping.

**(2)** All other maintenance of water and sewer service piping shall be at the expense of the manufactured home park operator or manufactured home park contractor unless the water and sewer service piping is physically damaged by the activities of the manufactured home park occupant or by the discharge of improper materials into the sewer by the manufactured home park occupant.

**Note:** See ss. Comm 82.34 and 83.32 for information regarding the discharge of improper materials into a sewer.

SECTION 3. Chapter Comm 95 is repealed.

SECTION 4. Chapter PSC 186 is repealed.

**END**

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#### **EFFECTIVE DATE**

Pursuant to s. 227.22 (2)(intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

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